IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE, JURISDICTION

CRIMINAL APPLICATION NO.312 OF 2006
IN
CRIMINAL APPEAL NO.188 OF 2006

Rukmini Kalyansingh Rajpurohit ...Applicant.
Versus
The State of Maharashtra ...Respondent.

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Mr.Ashok Mundargi with Mr.K.S.Patil, Advocate for the applicant.
Smt.U.V.Kejariwal, APP, for the State.

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CORAM : D.G.DESHPANDE AND
SMT.V.K.TAHILRAMANI, JJ.
DATED : APRIL 17, 2006.

P.C.:

. Heard Mr.Patil learned Advocate for the applicant and Smt.Kejariwal learned APP for the State.

2. The applicant, who is a lady, has been convicted under Section 302 of IPC, alongwith her husband.

3. The applicant is now seeking bail. The learned Advocate for the applicant has submitted that the applicant is a lady and she has two minor

children aged 4 years and 8 years. He has further submitted that the applicant was on bail during the trial and she has not mis-used the liberty granted to her. These statements have not been controverted by the prosecution.

4. Mr.Patil learned Advocate for the applicant has further submitted that it was the deceased who had come to the house of the applicant and her husband, with knife, in order to assault her husband. On seeing this, the applicant gave one blow with a bat on the head of the deceased. Thereafter, her husband had assaulted the deceased with knife.

5. Mr.Patil further submitted that the act of the applicant was done while exercising the right of private defence and hence the case of the applicant could not be said to fall under section 302 of IPC.

6. After going through the evidence, we find that indeed the deceased had come with a knife to the house of the applicant and her husband and

thereafter the incident has occurred. Looking to these facts and the fact that the applicant is a lady and has two minor children and that the applicant was on bail during the trial, we are inclined to grant bail to the applicant.

7. The applicant be released on bail in the sum of Rs.10,000/- (Rs.Ten Thousand Only) with one or two sureties to make-up the said amount.

8. Application is disposed of.

(D.G.DESHPANDE, J.)

(SMT.V.K.TAHILRAMANI,J.)